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**U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
P.O. Box 68
Kremmling, CO 80459**

ENVIRONMENTAL ASSESSMENT

NUMBER: DOI-BLM-120-2012-0044-EA

PROJECT NAME: Mountain Parks Electric, Inc. San Toy Power Line

LEGAL DESCRIPTION: T. 1 N., R. 81 W., 6th P.M., Section 35

KREMMLING FIELD OFFICE, KREMMLING, COLORADO

CASEFILE/PROJECT NUMBER: COC-75524

APPLICANT: Mountain Parks Electric Inc., Colorado

PURPOSE AND NEED FOR THE ACTION: The purpose of the project is to provide the opportunity to provide access across Bureau of Land Management (BLM) administered lands for a power line. The need for the project is established by BLM's responsibility under FLPMA to respond to a request for a right-of-way grant for legal access across a designated utility corridor on BLM lands.

Background/Introduction/Issues and Concerns: Mountain Parks Electric Inc. (MPEI) has applied for a right-of-way (ROW) to authorize an existing power line. The existing power line was constructed by the Bureau of Reclamation, but was never authorized under a right-of-way. MPEI has since taken over the operation of the power line. This power line is a 14.4 kV single phase line that provides power to a communication site that includes Andrews Radio Service and Union Cellular.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

Proposed Action: Mountain Parks Electric, Inc. is proposing to authorize an existing power line. The existing power line crosses private and public lands, serving two communication site lessees. The entire length of the project is about 1,200 feet long and currently crosses about 600 feet of BLM administered land. MPEI does not plan on any construction to this power line at this time.

Access to the power line would come off of Grand County Road 1, through an easement across Yust private property, on established roads or under the existing power line. Access would be needed for maintenance of the power line, and for emergencies that would require immediate attention.

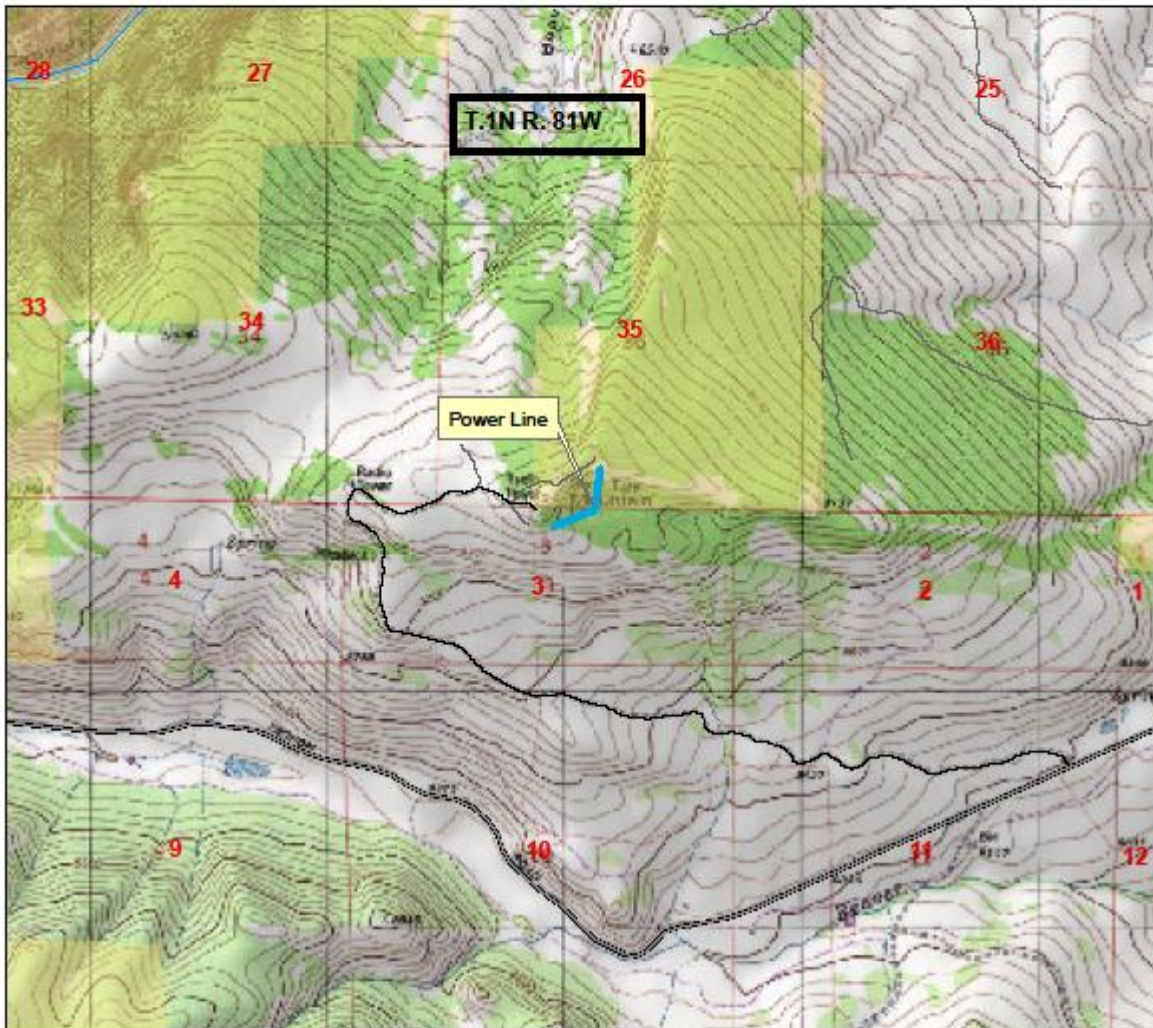
MPEI is requesting a 100-foot ROW from the BLM in order to access the ROW for maintenance and to allow existing overhead guys and anchors. MPEI does not plan to do any construction to the power line at this time.

Design Features of the Proposed Action:

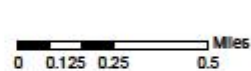
1. Surface vegetation would remain, but MPEI would have the ability to clear all vegetation within the right-of-way that may, or has the potential to interfere with the power line.
2. Prior to cutting, removing or damaging any live or dead timber, the holder shall obtain a written permit/contract from the BLM - Kremmling Field Office, and pay the fair market value for that timber. For this stipulation, timber is defined as any coniferous or aspen tree that is five inches in DBH (Diameter Breast Height).
3. If it is determined by the BLM forester that trees outside the 100 foot ROW need to be cleared to keep the power line in service, MPEI would be able to go 50' beyond the 100 foot ROW to remove dead and disease infested trees.
4. Chip cut vegetation where accessible and feasible, spreading out over the area at a depth no deeper than 3".
5. If vegetation is cut and piled, piles must be made at the edge farthest from the power line and no larger than 10'x10'x10', and hand piled only.
6. Piles that are left would be burned by the BLM.
7. If vegetation is lopped and scattered, bucks would be 5' and less, and would lay flat on the ground and no taller than 24" .
8. Stump heights would be less than 4".
9. All new poles and cross arms should be fitted with devices that prevent perching and electrocution. In addition, the USFWS recommends line markers for both the ground wires and guy wires to prevent collisions (refer to "Suggested Practices for Avian Protection on Powerlines," prepared by the Avian Power Line Interaction Committee, 2006).



Mountain Parks Electric San Toy



- Legend**
- SanToy_power_line
 - Land Status**
 - Bureau of Land Mgt
 - Division of Wildlife
 - National Park
 - US Forest Service
 - National Wildlife Refuge
 - Private
 - State
 - State Forest



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.

Annie Sperandio, 4-25-12
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No Action Alternative: The No Action Alternative would be to deny Mountain Parks Electric a ROW for an existing single phase power line. Electric power to the communication site would be compromised if this line was removed due to no authorization. Generators would have to be used at the communication site.

Alternatives Considered: None carried forward.

CONFORMANCE WITH LAND USE PLAN AND OTHER LAWS, REGULATIONS, AND POLICIES:

The Proposed Action is in conformance with the Record of Decision for the Kremmling Resource Management Plan approved in 1984 and updated in 1999. Which states: Provide the opportunity to utilize public lands for development of facilities which benefit the public, while considering environmental and agency concerns.

This Environmental Analysis fulfills the 1969 National Environmental Policy Act (NEPA) requirement for site-specific analysis. The Proposed Action is in accordance with the following laws and/or regulations, other plans, and is consistent with Federal, State, and local laws, regulations:

- Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)
- Endangered Species Act of 1973 as amended
- Clean Water Act Section 303d
- Section 106 of the National Historic Preservation Act of 1966 as amended
- Executive Order 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds

AFFECTED ENVIRONMENT / ENVIRONMENTAL CONSEQUENCES / MITIGATION MEASURES:

See Appendix 1

CUMULATIVE IMPACTS SUMMARY: For the purpose of this EA, the general geographic area for cumulative impact analysis is San Toy Mountain which is south west of Kremmling. The power line is located approximately two miles North of County Road 1, the Trough Road.

The time line for the cumulative impact analysis is 30 years based on the term of the ROW grant.

Past, Present, and Reasonably Foreseeable Action:

In the past the power line has never been authorized but has been in use for many years. This power line was built by the US Bureau of Reclamation (USBR). The USBR is asking MPEI to take ownership of the power line. There are multiple communication sites on San Toy Mountain but this powerline only services one.

In the present and future actions, the Proposed Action would authorize the existing power line. Access for maintenance of the power line would be from the access road or within the 100 foot ROW corridor and therefore no resource damage outside of the corridor should occur from cross-country travel. The powerline services a BLM communication site where two companies are located. There is the possibility of more companies collocating at this site. If trees continue to die due to the MPB, there could be a visual line created where the trees need to be cut to keep the line in service.

The No Action Alternative could have cumulative impacts to the communication site lease holders if the electrical power was disrupted, generators needed to be used and customers became dissatisfied due to poor service.

PERSONS / AGENCIES CONSULTED: The proposed project was listed on the Kremmling Field Office internet NEPA register and NEPA public room board.

INTERDISCIPLINARY REVIEW: See IDT-RRC in Appendix 1.

APPENDICES:

Appendix 1 – Interdisciplinary Team Analysis Review Record and Checklist

ATTACHMENTS:

Exhibit B - ROW Stipulations

**Finding of No Significant Impact and Decision Record
Bureau of Land Management
Kremmling Field Office**

Environmental Assessment DOI-BLM-LLCON02000-2012-0044-EA

Case File No. COC- 75524

Proposed Action Title/Type: San Toy Power Line

Applicant/Proponent: Mountain Parks Electric, Inc.

Location of Proposed Action: 6th P.M., T. 1N., R. 81W.
Section 35
Grand County, Colorado

USGS Topographical Map: Kremmling

Conformance with Applicable Land Use Plan:

These plans have been reviewed to determine if the proposed action conforms to the land use plan terms and conditions as required by 43 CFR 1610.5. This proposed action is in conformance with the following land use plans:

| | | | |
|---------------|------------------------------------|----------------|--------------------|
| Name of Plan: | Kremmling Resource Management Plan | Date Approved: | 1984, updated 1999 |
|---------------|------------------------------------|----------------|--------------------|

BACKGROUND

The Kremmling Field Office of the Bureau of Land Management (BLM) is proposing to grant a Right-of-Way to Mountain Parks Electric. This ROW authorizes an existing power line that has never been authorized.

Finding of No Significant Impact

The Kremmling Field Office interdisciplinary review and analysis determined that the proposed action would not trigger significant impacts on the environment based on criteria established by regulations, policy and analysis.

I have reviewed the above mentioned NEPA compliance document (EA). I have determined that the proposed action and the alternatives are in conformance with the Kremmling Resource Management Plan, 1984.

I have determined, based on the analysis in DOI-BLM-LLCON02000-2012-0044-EA

that this is not an action that would significantly affect the quality of the human environment and, therefore, an Environmental Impact Statement is not required. This determination is based on the rationale that the significance criteria, as defined by the Council on Environmental Quality (CEQ) (40 CFR 1508.27) have not been met.

The following rationale was used to determine that significant impacts were not present for each criteria mentioned in Title 40 CFR 1508.27:

1. *Beneficial and adverse impacts.*
The authorization of the power line would benefit the communication site securing continued cellular and radio service to Grand County. No adverse impacts have been determined.
2. *The degree to which the proposed action affects public health or safety.*
The proposed action would benefit public health and safety by providing continued reliable radio and cellular service.
3. *Unique characteristics of the geographic area.*
There are no unique characteristics in this area.
4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*
There should be no effect on the quality of the human environment which would be highly controversial.
5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*
There should be no possible effects on the human environment which are highly uncertain or involve unique or unknown risks.
6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*
The proposed action should not establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*
This action is not related to other actions with individually insignificant but cumulatively significant impacts.
8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*
The proposed action would not adversely affect any districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

There are no threatened or endangered species or habitats for such species that has been determined to be critical under the Endangered Species Act of 1973 within the proposed project area.

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The proposed action does not threaten a violation of Federal, State or local law or requirements imposed for the protection of the environment.

Decision: It is my decision to authorize the Proposed Action as described in the attached EA, DOI-BLM-120-2012-0044-EA. This decision is contingent on meeting all mitigation and monitoring requirements listed below.

MITIGATION MEASURES: None

COMPLIANCE MONITORING: The right-of-way would be inspected and monitored periodically during terms of the grant to ensure compliance with the terms and conditions of the grant. The right-of-way would also be inspected after any maintenance activities to determine compliance with and effectiveness of reclamation measures and evidence of invasive or non-native plants.

Reviewer: /s/ Susan Cassel
Environmental Coordinator

Date 11/28/12

Authorized Officer: /s/ Susan Cassel
Field Manager (Acting)

Date: 11/28/12



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Kremmling Field Office
2103 E. Park Avenue
Kremmling, CO 80459
www.blm.gov/co/kremmling

San Toy Power Line Decision Record November 28, 2012

1.0 Introduction and Background

Mountain Parks Electric Inc. (MPEI) has applied for a right-of-way (ROW) to authorize an existing power line. The existing power line was constructed by the US Bureau of Reclamation, but was never authorized by a right-of-way grant. MPEI has since taken over the operation of the power line. This power line is a 14.4 kV single phase line that provides power to a communication site that includes Andrews Radio Service and Union Cellular.

2.0 Decision and Rationale

2.1 Alternatives Considered but not Selected

Under the No Action alternative, the power line would not be authorized. The reliability of power would be compromised.

2.2 Decision and Rationale

Based on information in the EA, the project record, and consultation with my staff, I have decided to proceed with the proposed action as described in the EA. The project is not expected to adversely impact any resources. The proposed action would provide consistent electric power to the communication site.

3.0 Consultation and Coordination

No special status animal or plant species (or their habitat) was found; therefore, consultation with USFWS is not necessary. Tribal consultation was determined to not be needed.

4.0 Public Involvement

The EA will be available for a formal 30-day public comment period when posted on the Kremmling Field Office's internet website.

5.0 Plan Consistency

Based on information in the EA, the project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the 1984 Kremmling RMP and the Federal Land Policy Management Act (FLPMA).

6.0 Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Rocky Mountain Region, U.S. Department of Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's (Kremmling Field Office) internet website.

____/s/ Susan Cassel_____
Susan Cassel
Field Manager (Acting)

____11/28/12_____
Date

Appendix 1

INTERDISCIPLINARY TEAM ANALYSIS REVIEW RECORD AND CHECKLIST:

Project Title: MPEI- San Toy Power Line

Project Leader: Annie Sperandio

Date Proposal Received: (Only for external proposals)

Date Submitted for Comment:

Due Date for Comments:

Need for a field Exam: (If so, schedule a date/time)

Scoping Needs/Interested or Affected Publics: (Identify public scoping needs)

Consultation/Permit Requirements:

| Consultation | Date Initiated | Date Completed | Responsible Specialist/ Contractor | Comments |
|---------------------------------------|----------------|----------------|------------------------------------|---|
| Cultural/Archeological Clearance/SHPO | 7/12/12 | 8/28/2012 | B. Wyatt | The transfer action is not a Sec. 106 undertaking. Future actions may require a cultural resource inventory in accordance with Sec. 106 of the NHPA. |
| Native American | 7/12/12 | 8/28/12 | B. Wyatt | The transfer action is not a Sec. 106 undertaking, hence no tribal consultation was initiated for this project. Future actions may require tribal consultation in accordance with Sec. 106 of the NHPA. |
| T&E Species/FWS | N/A | N/A | McGuire | |
| Permits Needed (i.e. Air or Water) | 8/29/12 | 8/29/12 | P.Belcher | If surface disturbances will occur along the powerline or the access road, it is the applicant's responsibility to acquire a stormwater permit, if applicable, before proceeding. |

(NP) = Not Present

(NI) = Resource/Use Present but Not Impacted

(PI) = Potentially Impacted and Brought Forward for Analysis.

| NPNI PI | Discipline/Name | Date Review Comp. | Initials | Review Comments (required for Critical Element NIs, and for elements that require a finding but are not carried forward for analysis.) |
|------------|----------------------------|-------------------|----------|--|
| NI | Air Quality Belcher | 8/29/12 | PB | Air quality within the Middle Park area is good. The site is located 4.5 miles southwest of the town of Kremmling, and has no nearer residences or sensitive populations that would be impacted from dust or small amounts of equipment emissions during harvest operations under the powerline. If the disturbance occurs |

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| | | | | within the proposed ROW, it would be for a short duration and limited quantity, and would not impact air quality. |
| NP | Areas of Critical Environmental Concern McGuire | 9/18/2012 | MM | No ACECs are present in the proposed ROW area. |
| NP | Cultural Resources Wyatt | 8/28/12 | BBW | The transfer action is not a Sec. 106 undertaking. |
| NP | Environmental Justice Cassel | 10/29/12 | SC | According to the most recent Economic Census Bureau statistics (2009), there are minority and low income communities within the Kremmling Planning Area. There would be no direct impacts to these populations. |
| NI | Farmlands, Prime and Unique Belcher | 8/29/12 | PB | The BLM lands do not include prime or unique farmlands. There are no direct or indirect impacts to farmlands from the Proposed Action or the No Action Alternative. |
| NI | Floodplains Belcher | 8/29/12 | PB | The Proposed Action is located in an upland area and would not impact or indirectly impact a floodplain. The No Action Alternative would not affect a floodplain. |
| NP | Invasive, Non-native Species Hughes | 10/16/2012 | ZH | Currently there are no inventoried invasive, non-native species in the proposed project area. |
| NI | Migratory Birds McGuire | 9/18/2012 | MM | Large birds, such as golden eagles, could be electrocuted if phase conductor separation is not adequate to safely accommodate their wingspan. However, birds that inhabit the ROW area have likely become accustomed to the existing power line since no bird mortalities have been reported. Design features would accommodate bird perching and electrocution. |
| NP | Native American Religious Concerns Wyatt | 8/28/12 | BBW | The transfer action is not a Sec. 106 undertaking, hence no tribal consultation was done. |
| NP | T/E, and Sensitive Species (Finding on Standard 4) McGuire | 9/18/2012 | MM | No T/E, or Sensitive Species are present in the proposed ROW area. |
| NP | Wastes, Hazardous and Solid Elliott | 8/28/12 | KE | There are no quantities of wastes, hazardous or solid, located on BLM-administered lands in the proposed project area, and there would be no wastes generated as a result of the Proposed Action or No Action alternative. |
| PI | Water Quality, Surface and Ground (Finding on Standard 5) Belcher | 8/31/12 | PB | The Proposed Action is located in an upland area away from any perennial waters. It only involves the authorization of an existing line. Ground disturbance is limited to what would occur with a possible 1.4 acre vegetation clearance. |
| NI | Wetlands & Riparian Zones (Finding on Standard 2) Belcher | 8/29/12 | PB | The Proposed Action and the No Action Alternative would not impact wetlands or riparian zones directly or indirectly. |
| NP | Wild and Scenic Rivers | 10/16/2012 | JJM | There are no Wild and Scenic Rivers in the |

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| | Monkouski | | | KFO. The Colorado River within Gore Canyon has an eligible segment approximately 1.7 miles to the northwest of the Proposed Action. There would be no impacts from Proposed Action or No Action Alternatives. |
| NP | Wilderness Monkouski | 10/16/2012 | JJM | There are no Wilderness or Wilderness Study Area's within the area of the Proposed Action. |
| NP | Lands with Wilderness Characteristics Monkouski | 10/16/2012 | JJM | The area is part of the Trough Road Inventory Unit CO-010-174 and was inventoried for Wilderness Characteristics in 1979 and reviewed in 2009. The area does not possess Wilderness Characteristics due to its size being less than 5000 acres nor is it of sufficient size as to make practicable its preservation and use in an unimpaired condition. |
| NI | Soils (Finding on Standard 1) Belcher | 8/29/12 | PB | The Proposed Action and the No Action alternatives have no soil impacts as there are no planned surface disturbances. |
| NI | Vegetation (Finding on Standard 3) Landing K. Belcher | 11/05/2012 | CL KB | The area does not contain forage vegetation. Woodland vegetation on public land is sparse aspen and conifer on mostly steep slopes. Many of the larger lodgepole pine are dead. Few trees would need to be removed to protect the powerline. |
| NP | Wildlife, Aquatic (Finding on Standard 3) McGuire | 9/18/2012 | MM | No aquatic wildlife are present in the proposed ROW area. |
| NI | Wildlife, Terrestrial (Finding on Standard 3) McGuire | 9/18/2012 | MM | The Proposed Action and the No Action Alternative would not conflict with terrestrial wildlife since habitat disturbance would be minimal and would not occur during periods of animal concentration. |
| NI | Access/Transportation Monkouski | 10/16/2012 | JJM | The existing transportation system within the project area consists of routes created to access the communication sites and adjacent private lands. Access to the BLM-administered lands and the transportation system is limited to those immediate adjacent landowners or those that have legal access or permission across private lands. There are no proposals to develop new routes or increase the capacity of the existing routes. Existing Access and Transportation within the Proposed Action would not be impacted. |
| NI | Forest Management K. Belcher | | KB | Forest Management would not be impacted by implementing either the Proposed Action or the No Action Alternative. If MPEI decides that it is necessary to cut trees within their ROW, they need to obtain a permit/contract and pay for the trees prior to cutting them. |

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| NI | Geology and Minerals Elliott | 8/28/12 | KE | There would be no impacts to geologic and mineral resources from the proposed action or the no action alternative. |
| NI | Fire Thompson | 8/28/12 | KT | The design features in the purposed action would reduce the risk of a wildfire. |
| NI | Hydrology/Water Rights Belcher | 8/29/12 | PB | There are no additional hydrologic or water right concerns or impacts from the Proposed Action or the No Action Alternative. |
| NP | Paleontology Wyatt | 8/28/12 | BBW | The action would not affect potential paleontological resources. |
| NI | Noise Monkouski | 10/16/2012 | JJM | There is no construction or upgrades planned at this time. A residential home is located approximately one mile south of the Proposed Action. Private cabins are located north of the Proposed Action. Noise would be limited to any removal of hazard trees and would be short term. There would be no impacts from the Proposed Action or No Action alternative unless a generator was to be used if the line was removed. Sounds from a generator could be muffled with the right equipment. |
| NI | Range Management Landing | 11/02/2012 | CL | There are no issues with livestock grazing. |
| NI | Lands/ Realty Authorizations Sperandio | 11/5/2012 | AS | San Toy Mountain is an established communication site. There are four ROWs for communication sites: COC-55891 for Union Telephone, COC-55898 for Steamboat Amateur Radio Service, COC-65413 for Union Pacific Rail Road, and COC-74128 for Andrews Radio Service. There would be no impact to the project area. |
| NI | Recreation Monkouski Schechter | 10/16/2012 | JJM | Existing Recreational activities in the project area include hiking, horseback riding, camping, hunting, and Off Highway Vehicle use. One Special Recreation Permit for Big Game Guided Hunting and Outfitting is authorized within the project area. The Proposed Action and the No Action Alternative would not impact the current recreational activities nor would it impact existing or future Special Recreation Permits. |
| NI | Socio-Economics Cassel | 10/29/12 | SC | As this is an existing line, there would be no socio-economic impact with the Proposed Action or No Action Alternative. |
| NI | Visual Resources Schechter | 11/6/12 | HS | The proposed project is in a Visual Resource Inventory (VRI) Class II area. Since the 1984 Resource Management Plan (RMP) did not designate Visual Resource Management (VRM) areas, BLM manages visual resources to protect the VRI by applying management class objectives to the inventory. As this is an existing line, the viewshed would be minimally disturbed by |

| | | | | |
|----|-------------------------------|-----------|----|---|
| | | | | vegetation maintenance not by a new power line. |
| PI | Cumulative Impact Summary | 11/5/2012 | AS | See analysis. |
| | P&E Coordinator Cassel | 11/28/12 | SC | |

STIPULATIONS
FOR
Mountain Parks Electric
COC-75524
Power Line

Design Features

1. Surface vegetation would remain, but MPEI shall have the ability to clear all vegetation within the right-of-way that may, or has the potential to interfere with the power line.
2. Prior to cutting, removing or damaging any live or dead timber, the holder shall obtain a written permit/contract from the BLM - Kremmling Field Office, and pay the fair market value for that timber. For this stipulation, timber is defined as any coniferous or aspen tree that is five inches in DBH (Diameter Breast Height).
3. If it is determined by the BLM forester that trees outside the 100 foot ROW need to be cleared to keep the power line in service, MPEI would be able to go 50' beyond the 100 foot ROW to remove dead and disease infested trees.
4. Chip cut vegetation where accessible and feasible, will be spread out over the area at a depth no deeper than 3".
5. If vegetation is cut and piled, piles must be made at the edge farthest from the power line and no larger than 10'x10'x10", and hand piled only.
6. Piles that are left will be burned by the BLM.
7. If vegetation is lopped and scattered, bucks shall be 5' and less, and shall lay flat on the ground and no taller than 24" .
8. Stump heights shall be less than 4".
9. All new poles and cross arms should be fitted with devices that prevent perching and electrocution. In addition, the USFWS recommends line markers for both the ground wires and guy wires to prevent collisions (refer to "Suggested Practices for Avian Protection on Powerlines," prepared by the Avian Power Line Interaction Committee, 2006).

Standard Stipulations

1. All equipment shall be washed for all plant material prior to any activities on BLM lands. If invasive, non-native species do become established or spread, it would be the responsibility of Mountain Parks Electric to eradicate those species.
2. The holder is responsible for informing all persons in the area who are associated with this project that they shall be subject to prosecution for disturbing historic or archaeological sites, or for collecting artifacts.
3. The holder shall immediately bring to the attention of the Authorized Officer any and all antiquities, or other objects of historic, paleontological, or scientific interest including but not limited to, historic or prehistoric ruins or artifacts DISCOVERED as a result of operations under this authorization (16 U.S.C. 470.-3, 36 CFR 800.112). The holder shall immediately suspend all activities in the area of the object and shall leave such discoveries intact until written approval to proceed is obtained from the Authorized Officer. Approval to proceed shall be based upon evaluation of the object(s). Evaluation shall be by a qualified professional selected by the Authorized Officer from a Federal agency insofar as practicable (BLM Manual 8142.06E). When not practicable, the holder shall bear the cost of the services of a non-Federal professional.
4. Within five working days the Authorized Officer shall inform the holder as to:
 - whether the materials appear eligible for the National Register of Historic Places;
 - the mitigation measures the holder shall likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
 - a timeframe for the Authorized Officer to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the Authorized Officer are correct and that mitigation is appropriate.

If the holder wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the Authorized Officer shall assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the holder shall be responsible for mitigation costs. The Authorized Officer shall provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the Authorized Officer that the required mitigation has been completed, the holder shall then be allowed to resume construction.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest that are outside of the authorization boundaries but directly associated with the impacted resource shall also be included in this evaluation and/or mitigation.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest, identified or unidentified, that are outside of the authorization and not associated with the resource within the authorization shall also be protected. Impacts that occur to such

resources that are related to the authorizations activities, shall be mitigated at the holder's cost.

7. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
8. If paleontological materials (fossils) are discovered during construction activities, the operator is to immediately stop activities that might further disturb such materials and contact the authorized officer. The operator and the authorized officer shall consult and determine the best option for avoiding or mitigating the paleontological site.
9. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
10. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
11. One month prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection shall be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.